

adherence to this policy enables an officer to testify in court to precisely what he/she told the suspect. This removes any doubt as to the suspect's knowledge and waiver of his/her constitutional rights. When testifying in court, members should read the card word for word precisely as they did to the suspect.

Members shall obtain affirmative waivers of the right to remain silent, as well as the right to an attorney. A simple "I understand my rights" does not constitute a waiver. The suspect must affirmatively waive these rights. An oral waiver is sufficient for most misdemeanors. A written waiver is necessary where the facts and circumstances indicate that the misdemeanor is of a serious nature, or that felony charges could be pending. All suspects charged with felonies should be asked to complete written waivers.

The arrest of a deaf person requires the procurement of an interpreter in interrogation, warnings, notification of rights, arraignment, bail hearing, or other preliminary proceedings. Members shall be governed by Directive I.1, Section VII (Arrest of Deaf Persons) prior to the interrogation of a deaf person.

Care should be taken to ensure non-English or limited-English speaking suspects understand their rights and that an interpreter be used in appropriate cases. Members have a Constitutional and ethical responsibility to ensure that non-English and limited-English speaking suspects are afforded the same equal protection of the law as English-speaking suspects.

#### **IV. WRITTEN WAIVERS AND STATEMENTS (CALEA 1.2.3)**

##### **Miranda Rights**

Your Rights (HP-306) should be completed in all cases requiring a written waiver of rights. The procedure is as follows:

- Orally advise the suspect of his/her rights BY READING THE MIRANDA CARD.
- Ask him/her to read and sign HP-306.
- If the suspect cannot read, have someone read the form to him/her and enter the following below the waiver of rights:

The above statement of my rights has been read and explained to me by \_\_\_\_\_. I understand my rights and freely and voluntarily waive them.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
Witness \_\_\_\_\_ Time \_\_\_\_\_

If the accused cannot write, allow him/her to make his/her mark in the place for his/her signature, and be certain to have the document witnessed.